

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

MARTHA CUELLAR

Plaintiff(s),

v.

**SUNRISE CREDIT SERVICES, INC.
and JOHN AND JANE DOES 1-10**

Defendants.

§
§
§
§
§
§
§
§
§
§
§

Cause No. EP-10-CV-0063

NOTICE OF DISMISSAL

COMES NOW the Plaintiff(s) **MARTHA CUELLER**, an individual(s), and pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure hereby dismisses, with prejudice, the above entitled action as it pertains to all Defendants. Said dismissal is filed with prejudice and no Defendant has served an answer nor filed a motion for summary judgment in this cause.

Respectfully submitted,

/s/ Scott A. Vogelmeier
SCOTT A. VOGELMEIER
Attorney for Plaintiff
State Bar No. 24015139
1112 Myrtle Avenue
El Paso, Texas 79901
915-544-3100
915-577-0160 FAX

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April, 2010, I electronically filed the foregoing with the Clerk of Court using CM/ECF system.

I further hereby certify that I have electronically mailed the document to the following non-CM/ECF participants:

Benjamin Carroccio
Vice-President/General Counsel
The Sunrise Family of Companies
260 Airport Plaza
Farmingdale, New York 11735
bcarroccio@sunrisecreditservices.com

/s/ Scott A. Vogelmeier
SCOTT A. VOGELMEIER

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

MARTHA CUELLAR Plaintiff(s), v. SUNRISE CREDIT SERVICES, INC. and JOHN AND JANE DOES 1-10 Defendants.	§ § § § § § § § §	Cause No. EP-10-CV-0063
--	---	--------------------------------

FINAL JUDGMENT

On this day, the Court considered Plaintiff's Notice of Dismissal ("Notice"). Pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), "an action may be dismissed by the Plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or motion for summary judgment, whichever first occurs...." FED.R.CIV.P.41(a)(1)(i) (2005). Having reviewed the record, and noting that no defendant has served an answer or motion for summary judgment, the Court hereby **APPROVES** the Notice (Doc.No. 5). Because Plaintiff specifically requested dismissal with prejudice, the Court hereby orders the above-captioned cause be **DISMISSED** with prejudice. *See* FED.R.CIV.P. 41(a)(1) ("Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice...")

The clerk shall close the case.

SO ORDERED.

SIGNED on this ____ day of _____, 20__.

KATHLEEN CARDONE